



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/821,661 | 04/08/2004 | Lothar Kerstein | 4623 | 8773 |
| 21553 | 7590 | 06/19/2006 | EXAMINER | |
| FASSE PATENT ATTORNEYS, P.A. P.O. BOX 726 HAMPDEN, ME 04444-0726 | | | HOLZEN, STEPHEN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3644 | |

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/821,661 | KERSTEIN, LOTHAR | |
| | Examiner | Art Unit | |
| | Stephen A. Holzen | 3644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-7 and 10-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's has acknowledged the election of groups I in the reply filed on 3/27/2006. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The examiner has noted that claim 20 is dependant from claim 19 and will rejoin claim 20 at the time the application is passed to issue.

2. The applicant has failed to use the proper status identifiers. The examiner has waived this requirement. However should the applicant fail to use the proper status identifiers in future ^{responses} ~~response~~, the examiner will considers these responses non-compliant. Claim 20 should have a status identifier that says "Withdrawn" and not "original".

SH

3. This application is in condition for allowance except for the following formal matters:

- Re - Claim 1, line 16 the applicant claims "at least one light beam device". Then in Claim 1 line 20 applicant claims "said light beam device". The examiner believes that the applicant meant to claim in line 20, "said at least one light beam device".
- Re - Claim 10, line 6: applicant again claims "said light beam device". However, the applicant should have said "said at least one light beam device"

- Re - Claim 11: In Claim 1, line 16: applicant introduces "at least one light beam device" arranged in the container. Then in claim 11 applicant claims "a light emitting diode". Is this a separate element from "said at least one light beam device"? The examiner does not believe that they are different. Therefor the claim is a little confusing as to whether applicant is adding a new element or the applicant is further defining the "at least one light beam device".
- Re - Claim 13: In Claim 1, line 16: applicant introduces "at least one light beam device" arranged in the container. Then in claim 13 applicant claims "a camera". Is this a separate element from "said at least one light beam device"? The examiner does not believe that they are different. Therefor the claim is a little confusing as to whether applicant is adding a new element or the applicant is further defining the "at least one light beam device".
- Re – Claim 14: In Claim 1, line 16: applicant introduces "at least one light beam device" arranged in the container. Then in claim 14 applicant claims "a photoelectric switch". Is this a separate element from "said at least one light beam device"? The examiner does not believe that they are different. Therefor the claim is a little confusing as to whether applicant is adding a new element or the applicant is further defining the "at least one light beam device".

- Re – Claim 19: line 25: The applicant claims “at least one light beam device”. Then in Claim 19 line 29 applicant claims “said light beam device”. The examiner believes that the applicant meant to claim in line 29, “said at least one light beam device”.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because reference number #20 is handwritten making these informal drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

4. Claims 1-7, 10-19 will be allowed when applicant clarifies the above ambiguities.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a system that is capable of trigger a closing mechanism when an object passes into a light path. Instead the prior art uses timing

mechanism or light beams to verify that there is no obstruction is present, and then signals to close the door.

~~6.~~

SH

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sah

A handwritten signature in black ink, appearing to read 'Teri Pham Luu', with a stylized, cursive script.

TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER